GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

LAW OFFICERS – Fees - Pleader Fee-Honorarium to Law Officers-Procedure for payment - Guidelines – Orders – Issued.

LAW (G) DEPARTMENT

G.O.Rt.No.288 **Dated: 31.08.2023.**
Read the following:-

1. G.O.Ms.No.187, Law Department, dated 06.12.2000.
2. G.O.Ms.No.24, Law (G) Department, dated 03.06.2021.
3. G.O.Rt.No.279, Law (G) Department, dated 30.09.2021.
4. G.O.Rt.No.214, Law (G) Department, dated 11.08.2022.
5. G.O.Ms.No.45, Finance (Budget.I) Department, dated 11.04.2023.
6. G.O.Rt.No.2100, Finance (FMU-H&C) Department, dated 19.04.2023.

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ORDER:

The Government in the budget guidelines for the F.Y. 2023-2024, have mentioned that the budget under the Heads of Accounts (a) Honorarium to Law Officers (DH/SDH 280-289) and (b) Pleader Fees (DH/SDH 280/281) will be provided to the following Heads of Department:

a. Office of the Advocate General, Hon'ble High Court of Andhra Pradesh.
b. Andhra Pradesh Bhavan, New Delhi.
c. Registrar General, Hon'ble High Court of Andhra Pradesh.
d. Law Department in respect of all the Secretariat Departments.

2. In the G.O. 6th read above, Government have allotted the budget to the Law Department towards Pleader Fees/Honorarium to Law Officers for the F.Y. 2023-2024.

3. The comprehensive instructions regarding the procedure for the payment of Honorarium to Law Officers (DH/SDH 280-289) & Pleader Fees (DH/SDH 280/281), for the F.Y. 2023-2024 is detailed as hereunder.

I. Honorarium to Law Officers at State Level and District Level.

a) Honorarium to Law Officers i.e., Government Pleader / Special Government Pleader/Assistant Government Pleader / Public Prosecutor /Additional Public Prosecutor / Special Assistant to Assist the Public Prosecutor/ Additional Public Prosecutor working in the Hon'ble High Court of Andhra Pradesh, shall be paid by the Office of the Advocate General,

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Hon'ble High Court of Andhra Pradesh to the persons appointed in terms of the G.O.1st read above and the subsequent G.O.s on the matter and as per the terms and conditions mentioned therein, from the budget provided to the Office of the Advocate General, Hon'ble High Court of Andhra Pradesh.

b) Honorarium to the Law Officers i.e., Government Pleader / Additional Government Pleader / Special Government Pleader / Assistant Government Pleader / Special Counsel working in the Sub-Ordinate Courts i.e., Principal District Judge's Court, Additional District Judge's Court, Senior Civil Judges' Court, Junior Civil Judge's Court, Labour Court and Land Acquisition Rehabilitation and Resettlement Authorities shall be paid by the Law Department, A.P. Secretariat, who are appointed in terms of the G.O. 1st read above and the subsequent G.O.s on the matter and as per the terms and conditions mentioned therein, from the budget provided to the Law Department, A.P. Secretariat. The Payment shall be made based on the attendance report furnished on or before the 7th of every month along with duly countersigned bills through e-office by the District Collectors concerned to the Law Department, A.P. Secretariat.

II. Pleader Fees for Senior Counsel engaged in the Hon'ble Supreme Court of India is as follows.

(1) In G.O.2nd read above, Government have issued orders with regard to engagement and payment of fee to the Senior Counsel before the Hon'ble Supreme Court and the same shall be followed without any deviation. In such instances, it shall be verified that;

(a) The administrative department concerned have to consult the Advocate-on-Record and obtain approval of the learned Advocate General on engagement of the Senior Counsel.

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(b) The fee is to be paid as agreed between the Administrative Department concerned and the Senior Counsel.

(c) The fee of the Senior Counsel, so engaged, shall be cleared by the legal Cell of Resident Commissioner, A.P. Bhavan, New Delhi.

(d) The Pleader fees of the Senior Counsel engaged in the Supreme Court of India shall be paid by the Resident Commissioner, A.P. Bhavan, New Delhi in terms of the G.O.2nd read above, from the budget provided to the A.P. Bhavan, New Delhi only under the HoA namely Pleader Fees (DH/SDH 280/281).

4. Pleader Fees for Senior Counsel engaged in the Hon'ble High Court of Andhra Pradesh only in complicated / complex cases.

(1) In the G.O.4th read above, Government have issued orders with regard to engagement and payment of fee to the Senior Counsel engaged, only in complicated/complex cases, before the Hon'ble High Court of Andhra Pradesh and the same shall be followed without any deviation. In such instances, it shall be examined and verified that:

(a) The Secretary of the concerned Department has to arrive at a definite conclusion that the subject matter under consideration is complicated/complex after due application of mind: only in exceptional cases and circumstances; and duly recording the reasons in the file.

(b) The prior approval of the Chief Secretary to be obtained through the Law Secretary and also the concurrence of the Finance Department with regard to the fee payable to the Senior Counsel, by the administrative department, as per AP Government Business Rules.

(c) The Secretary concerned has to mention the exact amount proposed to be paid to the Senior Counsel, within the ceiling amount of Rs.3,00,000/- (Rupees three lakh only) per case, to defend all the respondents in the case.

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(d) The Pleader fees of the Senior Counsel engaged in the Hon'ble High Court of Andhra Pradesh, shall be paid by the Law Department, A.P. Secretariat in terms of the G.O.4th read above, from the budget provided to the Law Department only under the HoA namely Pleader Fees (DH/SDH 280/281).

5. Pleader Fees for Standing Counsel in Societies / Corporations /Boards/Universities/ other instrumentalities of the Government;

(1) The Pleader fees of the Standing Counsel engaged in Societies/Corporations/Boards/Universities/other instrumentalities of the Government shall be paid by the entities concerned, in terms of the G.O. 1st read above and the subsequent G.O.s on the matter and as per the terms and conditions mentioned therein, from their own budget.

(2) It has come to the notice of the Government that certain Societies / Corporations / Boards / Universities / other instrumentalities of the Government have deviated from the instructions issued by the Government in the payment of Pleader Fees and they are hereby informed any such instance in the future will lead to action against the concerned including recovery of the inadmissible amounts.

6. Pleader Fees for Standing Counsel of the Hon'ble High Court of Andhra Pradesh:

The Pleader fees of the Standing Counsel engaged in the Hon'ble High Court of Andhra Pradesh, shall be paid by the Registrar, Hon'ble High Court of Andhra Pradesh from the budget provided under Pleader Fees (DH/SDH 280/281).

7. Pleader Fees for Standing Counsel appointed for APPSC and ACB in the Hon'ble High Court of Andhra Pradesh:

The Pleader fees for the Standing Counsel appointed for the APPSC and the ACB in the Hon'ble High Court of Andhra Pradesh shall be paid by the Law Department, A.P. Secretariat in terms of the G.O.1st read above and the subsequent G.O.s on the matter and as per the terms and conditions mentioned therein, from the budget provided to

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the Law Department only under the HoA namely Pleader Fees (DH/SDH 280/281).

8. Contempt Cases:

The remuneration to the Government Pleaders in the Hon'ble High Court of Andhra Pradesh appearing in the contempt cases filed against the public officials in the State, shall be paid in terms of the orders issued in the G.O.1st read above r/w the G.O. in the reference 3rd read above by the Law Department under the HoA Pleader Fees (DH/SDH 280/281).

9. Miscellaneous:

In case of payment of Pleader Fee, other than the categories mentioned in above paras in which the payment is to be made under (HOA, DH/SDH 280/281), the administrative department shall verify the correctness of the bills and obtain the concurrence of the Finance Department and then send the counter signed bills through e-Office to the Law Department.

10. Process:

(i) Role of the District Collectors.

In respect of Honorarium to the Law Officers i.e., Government Pleader/Additional Government Pleader/Special Government Pleader/Assistant Government Pleader / Special Counsel working in the Sub-Ordinate Courts i.e., Principal District Judge's Court/ Additional District Judge's Court/Senior Civil Judges' Court/ Junior Civil Judge's Court/ Labour Court and Land Acquisition Rehabilitation and Resettlement Authorities, the District Collectors shall verify the attendance report submitted by the Law Officers on or before the 7th of every month, and after satisfying themselves, the countersigned bills shall be, sent to the Law Department through e-office.

(ii). Role of the Departments of the Secretariat.

In respect of the payment of (a) Pleader Fees for Senior Counsel engaged in the Hon'ble High Court of

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Andhra Pradesh and (b) Remuneration to the Government Pleaders in the Hon'ble High Court of Andhra Pradesh appearing in the contempt cases filed against the public officials, all the Departments of Secretariat shall verify the claims and after satisfying themselves about the correctness of the bills, the same shall be countersigned and then send the same to the Law Department through e-office.

(iii). Role of the Departments with regard to Standing Counsel for APPSC and ACB in the Hon'ble High Court of Andhra Pradesh.

In respect of payment of Pleader Fees for Standing Counsel appointed for APPSC and ACB in the Hon'ble High Court of Andhra Pradesh the respective departments shall verify the claim and after satisfying themselves about the correctness of the bills, shall send countersigned bills to the Law Department through e-office.

11. Role of the Law Department:

After receiving the Pleader fees bills countersigned by the Administrative Departments, the Law Department shall review the bills received and prefer bills in CFMS for arranging payments to the concerned.

12. All the Departments of Secretariat/Heads of Departments are requested to take necessary action in this regard.

13. The Director of Treasuries and Accounts/ Pay and Accounts Officer are directed to admit the bills submitted by the Law Department, A.P. Secretariat and not to Admit or Honour the Pleader fee bills, submitted directly by the Administrative Departments. Any deviation from these orders will be viewed seriously.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G. SATYA PRABHAKARA RAO
SECRETARY TO GOVERNMENT
LEGAL AND LEGISLATIVE AFFAIRS & JUSTICE

To
All the Secretariat Departments (with a request to inform all the HODs/Societies / Corporations / Boards / Universities under their control)
All the District Collectors.
The Resident Commissioner, A.P. Bhavan, New Delhi.
The Registrar General, High Court of Andhra Pradesh, Nelapadu, Amaravati.
The Advocate General for the State of Andhra Pradesh, High Court of Andhra Pradesh, Nelapadu, Amaravati.

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Copy to:
The Principal Accountant General (A&E), A.P., Vijayawada.
The Principal Accountant General (Audit), A.P., Vijayawada.
The Director of Treasuries and Accounts, A.P., Mangalagiri.
The Pay and Accounts Officer, Mangalagiri.
The CEO, APCFSS, Mangalagiri.
All Sections in Finance Department.
OSD to Chief Secretary to Government.
OSD to Hon'ble Minister for Finance.
P.S. to Spl CS / Prl. Secy (HR)/Secy (RM&FP)/Secy (B&IF)/Addl. Secy (C).
Law (E.I) Department.
P.S. to Secretary, Law Department.
s/f and s/c.

//FORWARDED::BY ORDER//

SECTION OFFICER